

REMARKS

Status of the Claims

Claims 1-46 and 49-50 are currently pending in the present application. Claims 1, 2, 43-45, 49, and 50 have been amended as described elsewhere herein. No new matter has been added by way of amendment. Reconsideration and withdrawal of the rejection of claims 1, 2, 43-46, 49, and 50 and the objections to claims 1-42 are respectfully requested.

The IDS filed October 7, 2004

In the Office Action, the Examiner states that the Information Disclosure Statement submitted on October 7, 2004, has not been considered because no copies of the cited foreign patent documents have been provided. Applicants note that all of the references listed on the Form 1449 were cited in the International Search Report, and that copies of these references should have been transmitted to the U.S. Patent Office by the International Bureau. Applicants regret an inconvenience caused by the failure of the International Bureau to transmit these references to the USPTO. Copies of the cited references, along with a replacement copy of the Form 1449, accompany the present response. As the original Information Disclosure Statement was timely submitted, it is believed that no fee is due in conjunction with the submission of these reference copies. However, should any fees be deemed necessary to effect the timely filing of the Information Disclosure Statement, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 07-1392.

The Rejection Under 35 U.S.C. § 112, First Paragraph, Should be Withdrawn

Claims 1, 2, 43-46, 49, and 50 have been rejected under 35 U.S.C. § 112, first paragraph, on the grounds that the specification, while enabled for salts and solvates of compounds of formulae (I) and (II), is not enabled for physiologically functional derivatives thereof. Applicants respectfully disagree with the rejection, as methods for making physiologically functional derivatives are well known in the art. See, for example, paragraph 87 of the specification. Nevertheless, in order to expedite prosecution, claims 1, 2, 43-46, 49, and 50 have been amended to delete the phrase "physiologically functional derivatives." Accordingly, all grounds for rejection under 35 U.S.C. § 112, first paragraph have been obviated. Reconsideration and withdrawal of the rejection are therefore respectfully requested.

The Objections to the Claims Should be Withdrawn

Claims 1 and 2 have been objected too on the grounds that they contain two variables defined as "m." Applicants acknowledge the error noted by the Examiner. Claims 1 and 2 have been amended as suggested by the Examiner to change the second occurrence of the variable "m" to "t," thereby obviating the objection.

Claims 3-42 have been objected to as being dependent upon a rejected base claim, claim 1. The rejection of claim 1 has been obviated as described above. Accordingly, the objection to claims 3-42 has likewise been obviated and should be with drawn.

CONCLUSION

It is believed that the current application is now in condition for allowance. Early notice to this effect is solicited. If, in the opinion of the Examiner, an interview would expedite prosecution, the Examiner is invited to call the undersigned.

Applicants believe that no fees are due in connection with the filing of this paper other than those specifically authorized herein. However, should any other fees be deemed necessary to effect the timely filing of this paper the Commissioner is hereby authorized to charge such fees to Deposit Account No. 07-1392.

Respectfully submitted,

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